



Forum on Whistleblower Protection: Towards an era of effective protection in Greece

AGENDA

23-27 October 2017

Athens, Greece



■ Background information

A comprehensive whistleblower protection framework is an integral part of policies to enhance integrity, transparency and accountability in both the public and private sectors. Robust whistleblower policies promote a culture of openness, integrity and accountability, and enhance organisations' control environments by facilitating the detection of fraud, corruption and other misconduct harming the public interest. But in order to be able to achieve these objectives, citizens must trust that reporting channels will effectively safeguard their confidentiality in order to avoid reprisals, and that organisations will appropriately act upon disclosures made.

In recognition of the importance of protecting whistleblowers, in July 2017, the Greek Ministry of Justice, Transparency and Human Rights set up a special legislative drafting committee to strengthen the relevant legislative framework. It is envisioned that the protection regime will be extended to persons providing information on other serious criminal offenses, and that the institutional framework for whistleblowers will be applied uniformly in both the public and private sectors.

This Forum is part of Greece-OECD Project: Technical Support on Anti-Corruption in Greece. Focusing on the implementation of Greece's National Anti-Corruption Action Plan (NACAP), the Forum will inform the development of an effective framework for whistleblower protection in Greece. It will draw on proposals contained in the OECD's "Technical Report on Whistleblower Protection in the Public Sector in Greece" and "Whistleblower Protection Guidelines for the Public Sector," as well as the OECD's "Technical Proposal on Developing the Legal Framework for Whistleblower Protection in Greece" and the "Whistleblower Protection Guidelines for Greek Companies".

The Forum is organised by the OECD in cooperation with Greece's General Secretariat Against Corruption and the European Commission. The discussions and results of the Forum will feed into Greece's efforts in setting up an effective and comprehensive legal and regulatory framework for whistleblower protection.

■ 23-25 October 2017

Venue: General Secretariat of Information and Communication
Al. Pantou, Kallithea 176 71, Athens Greece

■ 26-27 October 2017

Venue: SDOE, Pireos 207 & Alkifronos 92, Athens



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■ Day 1 October 23rd

Protecting reporting persons in Greece – International perspectives

09:30-10:00 *Registration and welcome coffee*

10:00 - 10:30 Opening Remarks	
Keynote speakers	<ul style="list-style-type: none"> • Anastasios Triantafyllou, Professor of Criminal Law, Head of Legislative Drafting Committee for Whistleblower Protection
10:30 – 12:30 Session 1: Developing a legal framework for whistle-blower protection	
Moderator	<p>Greece is currently developing a legal framework to protect whistleblowers in both the public and private sector. Whistleblower protection is essential not only to encourage the reporting of misconduct, fraud and corruption but also to promote a culture of accountability and integrity. This session will discuss the current situation in Greece, the ongoing efforts to develop a legal framework for whistleblowers protection and the OECD's legislative proposals.</p> <ul style="list-style-type: none"> • Apostolos Zampounidis, OECD • David Lewis, Middlesex University • Marie Terracol, Whistleblowing Programme Coordinator, Transparency International • Tom Devine, Legal Director, Government Accountability Project • Zeta Georgiadou, Deputy Head of Unit, European Commission, DG Justice and Consumers
Speakers	

12:30 - 13:30 *Break*

13:30 – 15:00 Session 2: Country experiences in drafting whistleblower protection legislation

While there is no internationally accepted definition of “whistleblower,” the need for effective whistleblower protection is recognised in numerous multilateral anti-corruption treaties, to many of which Greece is a party. The current international legal framework against corruption requires countries to take appropriate measures to provide protection for persons who report any facts concerning acts of corruption in good faith and on reasonable grounds to the competent authorities. Several international soft law instruments also provide for the protection of whistleblowers. Finally, several countries have taken impressive steps in setting up protective mechanisms for protecting whistleblowers. This session will discuss all these issues and will draw good practices and examples for Greece to consider.

Moderator

- **Leah Ambler**, OECD

Speakers

- **Naiti del Sante**, Ministry of Employment, Sweden
- **Vainius Šarmavičius**, Deputy Director of the Administrative and Criminal Justice Department, Ministry of Justice, Lithuania
- **Dimitrios Vasileiou**, Representative from Legislative Drafting Committee

15:00 - 15:30 *Coffee break*

15:30 – 17:00 Session 3: Whistleblower protection authorities – case study illustrations of whistleblower protection in practice

Whistleblower protection legislation that purports to enable more and more individuals to come forward and make disclosures without the fear of retaliation needs to be accompanied by appropriate modalities and systems that give life to this legislation and promote its proper implementation. Such modalities should ensure not only enforcement but also wide dissemination among relevant stakeholders. For example the system should be able to provide support to companies in establishing and running sound and effective internal reporting channels but also to ensure effective protection for the whistleblower in case of threat or actual reprisals or retaliation. This session will examine various case studies of whistleblower protection in practice.

Moderator

- **Margarita Gasparinatos**, Head Legal Officer, GSAC

Speakers

- **Leah Ambler**, OECD
- **Kalliopi Zouvia**, Lawyer and Senior Investigator, Greek Ombudsman

17:00– 17:30 Concluding Remarks

■ Day 2 October 24th

Whistleblower protection in the private sector – Guidelines for Greek Companies

09:30-10:00 *Registration and welcome coffee*

10:00 - 10:30 Opening Remarks	
Keynote speakers	<ul style="list-style-type: none"> • Marina Spyridaki, Director of Business Environment and Regulatory Policy, Hellenic Federation of Enterprises
10:30 – 12:00 Session 4: Designing a protected internal reporting framework – who, when and how to protect?	
Moderator	<p>As increased regulatory emphasis is placed on establishing whistleblower mechanisms, internal reporting frameworks have become essential for companies to uncover internal fraud and abuse that would otherwise go undetected. Employees need to feel empowered to report wrongdoing while companies need to take the necessary steps to preserve confidentiality as well as extend their whistleblowing program to affiliated third party business partners. This session will examine the necessary procedures and infrastructure needed to establish an internal reporting mechanism within your company.</p> <ul style="list-style-type: none"> • Claire Leger, OECD <p>Presentation of the draft "Whistleblower Protection Guidelines for Companies in Greece" and results from Private Sector Stakeholder survey</p>
Speakers	<ul style="list-style-type: none"> • Tom Devine, Legal Director, Government Accountability Project • Constantina Bourgiotou, Internal Audit Director, TITAN Group • Irini Kefalogianni, Legal Manager Greece & Cyprus, Coca-Cola 3E • Lisette van Eenennaam, Group Legal Counsel Integrity, ABB Group

12:00 – 12:30 *Coffee break*

12:30 – 13:30 Session 5: Communication, training and evaluation of internal whistleblower protection frameworks

A company's whistleblowing mechanism must be regularly monitored and data gathered from reports must be consistently incorporated into the long-term anti-corruption risk management strategy of the company. To ensure that these mechanisms operate effectively, resources are dedicated to the training of employees on the existence of internal reporting channels. In addition, confidentiality and the assurance of protection against retaliation must be communicated extensively within the company and to third party business partners to increase reporting confidence. This session will examine methods and best practices regarding communication strategies within the company, employee training and monitoring of whistleblower protection systems.

Moderator

- **Kristina Tremonti**, OECD

Speakers

- **David Lewis**, Middlesex University
- **Vicki Mokka**, Compliance Reporting & Case Investigation Section, OTE
- **Vassilis Stamatopoulos**, Founder, Fraud Line
- **Panagiotis Tsoukatos**, Group Chief Audit Executive, Piraeus Bank

13:30 - 14:30 Lunch

14:30 – 15:30 Session 6: Complying with data protection requirements and protecting whistleblowers: Confidentiality, the GDPR and internal reporting mechanisms

Greece has not yet transposed the EU General Data Protection Regulation (GDPR). However, it has enacted in 1997 the Act Regarding Protection of Individuals with Regard to the Processing of Personal Data. Pursuant to this Act, a company must notify the Hellenic Data Protection Authority (DPA) in writing about the commencement of data processing (e.g. when it decides to set up an internal reporting mechanism). A company must also request approval from the DPA before transferring personal data that is collected via its internal reporting mechanism outside the EU. In 2008 the DPA, in decision No. 14/2008 (available only in Greek) declared for the first time a Greek company's internal whistleblower system illegal and sanctioned it for failing to abide by the regulations and procedures envisaged in the Greek and EU data protections laws. This fine would be significantly higher if the sanctions were imposed under the GDPR. It is therefore, crucial for Greek companies to understand better the new framework as well as the obligations that accompany this regulation.

Moderator

- **Apostolos Zampounidis**, OECD

Presentation of the relevant section of the draft legislative proposal "Whistleblower protection in the private sector"

Speakers

- **Fereniki Panagopoulou-Koutnatzi**, Hellenic Data Protection Authority

15:30 – 17:00 **Case Study: How to deal with a whistleblower protection report within your company: steps and procedures**

Moderator

- **Claire Leger**, OECD

17:00

Concluding Remarks

■ Day 3 October 25th

Whistleblower protection – Whistleblower protection in the private sector – Guidelines for Greek Companies

09:30-10:00 Registration and welcome coffee

10:00 – 11:00 **Session 7: The role of the media and civil society in whistleblower reporting and protection**

Whistleblowers are often faced with the dilemma of who to report witnessed wrongdoings to when reports through established channels fail to lead to accountability. Reporting to the media often garners visibility for whistleblower claims and has led to corrective action. Furthermore, whistleblowers may have more confidence in the protection journalists provide to sources than what can be provided from their own organisation or government. The media is tasked with examining these reports, protecting the confidentiality of the whistleblower or source, mitigating harm from releases and publishing sensitive information for the general public. Similarly, civil society organizations provide numerous services for whistleblowers in the form of advice, legal support, education, awareness and policy advocacy. This session will examine the importance of these two entities in ensuring that whistleblower cases are not dismissed and are properly addressed.

Moderator

- **Leah Ambler**, OECD

Speakers

- **Marie Terracol**, Whistleblowing Programme Coordinator, Transparency International
- **Tasos Telloglou**, Journalist

11:00 - 11:30 Coffee Break

11:30 – 13:00 Session 8: The role of industry and professional associations in the protection of whistleblowers

Numerous professional associations have taken an important stance on whistleblower protection, issuing guidelines and standards that are disseminated amongst their industry members. Given their idiosyncratic identity as professional bodies that bridge the gap between regulatory bodies and the private sector, they are often consulted in the drafting of national whistleblower legislation and in many cases have provided safe reporting outlets for industry members and their employees. This session will explore how international and Greek industry / professional associations have actively engaged in the conversation regarding whistleblower protection and ways in which their influence can be extended.

Moderator

- **Claire Leger**, OECD

Speakers

- **Avgi Oikonomidou**, Associate Advisor Business Environment and Regulatory Policy, Hellenic Federation of Enterprises
- **Ashleigh Buckett**, International Bar Association
- **Stefania Papa**, Partner, Deloitte Forensic Italy
- **Evi Dimitroulia**, President of the Hellenic Association of Certified Fraud Examiners (ACFE)

13:00 - 14:30 Lunch

14:30– 16:00 Session 9: Shifting perceptions on whistleblowing: how to change the culture in Greece (education, media, civil society)

Encouraging employees to speak up can prove to be very challenging, particularly in certain parts of the world where negative associations are made with whistleblowing, linking the term closely to notions of “snitching” and “betrayal for personal gain”. This session will examine ways to overcoming these notions in order to construct an organisational culture that encourages ethical conduct and speaking up and will provide practical guidance to companies on how the ethical decisions of a whistleblower can be normalized within a company and can be accepted on a larger societal scale as service to the public good.

Moderator

- **Kristina Tremonti**, OECD

Speakers

- **Andrea Fransozo**, Whistleblower Italy (Skype)
- **Lisette van Eenennaam**, Group Legal Counsel Integrity, ABB
- **Effi Lambropoulou**, Professor at the Sociology Department, Panteion University of Social and Political Sciences
- **Kostas Papachristopoulos**, Co-Chair Department of Organizational Psychology, Hellenic Psychological Society

16:00– 16:30 Concluding Remarks

Speaker

Leah Ambler, OECD

■ Day 4 October 26th

09:00-09:30 Registration

09:30 - 10:00 **Introductory Remarks**

Keynote speakers

- **Andreas Pottakis**, Ombudsman
- **Kostas Christou**, General Secretary for Anticorruption
- **Frederic St Martin**, OECD

10:00 – 11:45 **Session 10: Overcoming challenges with internal disclosures in the Greek public sector and establishing a genuine culture of openness**

Most Greek public officials interviewed maintained that they would not trust internal reporting channels in the Greek public services if such channels were implemented at the moment. This session will include expert speakers who will discuss practical measures that will help achieve a genuine culture of openness in relation with raising ethical concerns and dilemmas in the public service.

- What are the most effective incentives to encourage public servants to speak up when they witness misconduct?
- How does whistleblowing contribute to fostering a culture of openness within public organisations?

The workshop participants will have an opportunity to ask questions and provide comments for approximately half of the session.

Moderator

- **Frédéric St-Martin**, OECD

Speakers

- **Daniel Li**, Hong Kong
- **Gregor Pirjevic**, Slovenia
- **Louise Little**, UK
- **Anna Myers**, Executive Director of the Whistleblower International Network
- **Maria Stylianidou**, J.D., Member of the Board of the Independent Authority for Public Procurement

11:45 - 12:00 Coffee Break

12:00 – 13:30 Session 11: Providing for external reports of misconduct to a designated third party

Providing the opportunity to disclose misconduct to a designated third party who is independent from the organisation where the misconduct has taken place is an essential characteristic of strong whistleblowing regimes. Allowing reporting to an independent third party is particularly useful when public organisations fail to build trust and create the right environment for reporting of misconduct.

- What are the good practices and main challenges associated with allowing the implementation of channels to report misconduct to an independent third party?
- What are the areas of collaboration between public organisations and the designated third party responsible for receiving and investigating external disclosures of misconduct?
- Should whistleblowers report misconduct to the media?

The workshop participants will have an opportunity to ask questions and provide comments for approximately half of the session.

Moderator

- **Frédéric St-Martin**, OECD

Speakers

- **Daniel Li**, Hong Kong
- **Louise Little**, UK
- **Anna Myers**, Executive Director of the Whistleblower International Network
- **Kalliopi Zouvia**, Special Scientist, Ombudsman

13:30 - 14:30 *Light Lunch*

14:30– 16:00 Session 12: Promoting the accountability of authorities responsible for handling disclosures of misconduct by public servants

Based on a survey commissioned by the OECD, the main reasons why most public servants who would not report misconduct they witnessed in their workplace is that nothing will happen or because it is not worth the effort.

What measures may be implemented to reinforce public servants' trust that appropriate action will be undertaken following a disclosure?

What measures may be undertaken to make recipients of whistleblower disclosures accountable as to how they handle such disclosures?

How best to ensure the whistleblowing policy has an impact on the organisation?

Moderator

- **Elisabeth Täubl**, Austria

16:00– 16:15 Concluding Remarks

Speaker

Angelos Binis, OECD

■ Day 5 October 27th

09:00 - 11:00 **Session 13: Case Study**

A case study, which will have been given to workshop participants in advance of this session, will be presented by the moderator to illustrate practical challenges that may arise in a concrete and practical case, as well as how to effectively overcome such challenges. Workshop participants will also have an opportunity to apply some of the measures that have been discussed so far in the workshop. Workshop participants will be required to have read the case before the session.

The moderator will begin with presenting the case study and discuss its important elements with the participants. The moderator will ask participants about how they would react in specific circumstances, as well as what would be the best way to overcome issues that have arisen in this specific case.

Participants will break into groups to discuss issues raised. Each table will identify a rapporteur, who will present the specific topics to the plenary.

Moderator

- **Anna Myers**, Executive Director of the Whistleblower International Network

11:00 - 11:15 *Coffee Break*

11:15– 12:45 **Session 14: Most effective practices at ensuring public servants who disclose misconduct in the workplace do not experience reprisals**

The most effective way to protect whistleblowers is to avoid that reprisals are exercised in the first place. This is however not an easy task, as there are many types of reprisals that may be exercised against whistleblowers. Based on practical experience, the panellists will discuss the challenges associated with the prevention of reprisals.

- What measures they have implemented have been most effective and in which contexts?
- Who bears the burden of proof?
- How can we provide effective protection from reprisals without getting caught up in endless judiciary proceedings?

Participants will break into groups to discuss issues raised. Each table will identify a rapporteur, who will present the specific topics to the plenary.

Moderator

- **Daniel Li**, Hong Kong

12:45 - 13:45 *Light Lunch*

13:45 – 15:00 Session 15: Monitoring and assessing the impact of the whistleblowing policy framework

An often overlooked aspect of whistleblowing frameworks is the design and implementation of appropriate mechanisms to measure the effectiveness of the whistleblowing policy framework within each public organisation, as well as across the public service.

- What should be measured in order to determine whether the whistleblowing policy framework is effective?
- What information could Greek public organisations collect to help measuring the effectiveness of their own measures?
- What are good practices in terms of reporting facts and figures about the administration of the whistleblowing policy framework?

Participants will break into groups to discuss issues raised. Each table will identify a rapporteur, who will present the specific topics to the plenary.

Moderator

- **Gregor Pirjevec**, Slovenia

15:00– 16:00 Session 16: Raising awareness through effective training and communication of whistleblower policies

Developing whistleblower laws and policies is not sufficient to establish a genuine culture of openness, where integrity concerns are openly and freely discussed in the workplace. Training, as well as education and outreach activities can be very effective in making public servants realise the importance of blowing the whistle when they witness misconduct, as well as that their duty of loyalty belongs to the public interest rather than middle or top managers of their organisation.

- What are the most effective campaigns to raise awareness about the benefits of blowing the whistle?
- How should leadership be exercised to demonstrate that raising ethical concerns is part of the organisational culture and that reprisals will not be tolerated?
- Should specific training be given to public servants who play a specific role in processes for disclosing misconduct?

Participants will break into groups to discuss issues raised. Each table will identify a rapporteur, who will present the specific topics to the plenary

Moderator

- **Gregor Pirjevec**, Slovenia

16:00– 16:15 Concluding Remarks

Speakers

- GSAC Representative
- OECD Representative



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